

REMARKS

This response is to the Office Letter mailed in the above-referenced case on March 2, 2006, in which the Examiner rejected claims 8 and 17 under 35 U.S.C. §112 for the phrase "definable by the user" which the Examiner alleges does not appear in the specification, and is therefore new matter. Further the Examiner applies a double-patenting rejection over prior patent 6343317 to the same inventor, which patent is commonly-owned. In addition the Examiner has rejected claims 8, 9, 11-18 and 20-25 under 35 U.S.C. §103(a) over Mikkola US 6529143, hereinafter Mikkola, in view of Lumelsky, US 6081780, hereinafter Lumelsky.

In regard to the §112 rejection, a search of the as-filed specification yields that the specific language "definable by the user" is indeed not in the text. The language is, however, intended to indicate that the client profile is supplied by the client, that is, the user. There is much detailed description of such a profile, and that the profile is provided by the user. The fact of the client providing the profile may be, however, a redundant limitation in the claim, so the applicant has deleted that limitation by amendment above in both claims 8 and 17, so the 112 rejection is now moot.

As to the double-patenting rejection over prior patent 6343317 to the same inventor, the applicant provides herewith a terminal disclaimer.

In regard to the §103 rejection of claims 8, 9, 11-18 and 20-25 under 35 U.S.C. § 103(a) over Mikkola, the applicant wishes to note that the Examiner seems to have not considered a key limitation in making the rejection. In the limitation "...a data repository comprising data entities identified by position within one or more bounded regions and by different information subject categories or specific sub-categories..." it is inherent that each data entity that might be selected this way for a subscriber be identifies by both the position and the category. This is two flags for each piece of information. In the passages of the reference Lumelsky relied upon there are subject categories of interest, but individual pieces of information (data entities) are definitely NOT identified by both

position and interest category, as must be the case to read upon the particular limitation of the claim. So Lumelsky clearly does not teach the limitation for which it is intended, and the claims rejected are patentable over Mikkola in view of Lumelsky.

As to claims 10 and 19, rejected further over Tso, of record, these claims are depended, and are patentable at least as depended from a patentable claim.

Applicant believes therefore that the amended base claims are patentable to applicant over the art cited and applied, and that all of the depended claims are now patentable at least as depended from patentable base claims.

Applicant therefore respectfully requests that the present case be reconsidered and passed quickly to issue. If there are any time extensions due beyond any extension requested and paid with this amendment, such extensions are hereby requested. If there are any fees due beyond any fees paid with the present amendment, such fees are authorized to be deducted from deposit account 50-0534.

Respectfully Submitted,
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